IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 13109 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SANATKUMAR HEMSHANKAR JANI

Versus

REGIONAL EXTENSION OFFICER

Appearance:

1. Special Civil Application No. 13109 of 2000

MRS DT SHAH for Petitioner No. 1

MR PV HATHI for Respondent No. 1

NOTICE SERVED for Respondent No. 2

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 05/10/2001

ORAL JUDGEMENT

#. Rule. Mr.Hathi, waives service of rule for the respondents. With the consent of the parties, the matter is taken up for final hearing today.

#. The petitioner workman was serving as Shepherd with the respondent - Corporation. However, during the pendency of the reference before the Labour Court, the petitioner workman has already been reinstated in service. Ultimately, the Labour Court by its award dated 15.7.2000 granted 30% back-wages in favour of the petitioner workman. Since the petitioner workman was already reinstated in service, there was no question of passing any order to that effect. The aforesaid order granting 30% back-wages is challenged by the petitioner employee.

#. At the time of hearing of this petition and at the suggestion of this Court, both the sides have agreed to the fact that instead of 30% back-wages, the petitioner employee may be paid 50% back-wages. Mr.Hathi states that the petitioner employee has already been paid 30% back-wages as per the award of the Labour Court and now he is required to be paid only 20% back-wages. In the facts and circumstances of the case, the award of the Labour Court is accordingly modified and the petitioner employee will be entitled to receive 50% back-wages instead of 30% back-wages which is granted by the Labour Court. The respondents may comply with this order and whatever amount is required to be paid to the petitioner employee on the basis of this order, may be paid to him within a period of three weeks from today. The petition is accordingly partly allowed. Rule is made absolute to the aforesaid extent with no order as to costs.

(P.B.Majmudar,J)
(pathan)